

Appl. No. 10/689,409
Reply to Office Action of December 12, 2006

Remarks

By this Amendment, Claims 1-19 are pending in this application. Claims 1, 7, 13 and 19 have been amended. Claims 20-21 are newly added.

Claim Rejections - 35 USC § 102

Claims 1,2, 5-8, 11, 13, 14, 17, and 19 were rejected as anticipated by George (U.S. Patent No. 6,459,818) (George) under 35 USC 102(b).

The Federal Circuit has stated that "anticipation requires the disclosure in a single prior art reference of each element of the of the claim under consideration." *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 330 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). However, it is not enough that the prior art reference disclose all the claimed elements in isolation. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984). "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." The Examiner has not met the burden of evidence of prima facie anticipation as will be shown below.

In paragraphs 4-5 of the Action, the Office has rejected Claims 1, 2, 5-8, 11, 13, 14, 17, and 19. Applicant respectfully submits that Claims 1, 2, 5-8, 11, 13, 14, 17, and 19 include elements that have not been taught, disclosed or suggested by George. For example, Claims 1, 7 and 13 have been amended to recite that enhancement functions derived from deconvolving two reference images (one degraded and one non-degraded) are stored on a storage device where they are indexed according to the degree of degradation of the degraded reference image. Additionally, Claims 1 and 13 have been amended to recite that, upon

Appl. No. 10/689,409

Reply to Office Action of December 12, 2006

receipt of a new degraded image, an enhancement function having an index corresponding to the degree of degradation of the new image is applied to the new image to produce an enhanced version of the new image.

Support for these amendments may be found in paragraphs 0037, 0084, 0091-92, among others.

Pursuant to the above comments and amendments, the Applicant respectfully requests that the Office's rejections of Claims 1, 2, 5-8, 11, 13, 14, 17, and 19 under 35 U.S.C. § 102 be withdrawn.

Claim Rejections - 35 USC § 103

Claims 3, 9, and 15 were rejected under section 103 as unpatentable over George in view of Tsujita (U.S. Pat. No. 5,879,284) (Tsujita). Additionally, Claims 4, 10, and 16 were rejected under section 103 as unpatentable over George in view of Acharya (U.S. Pat. No. 6,459,818) (Acharya).

However, claims 3-4, 9-10, and 15-16 depend from allowable base claims 1, 7, and 13 respectively. Therefore, claims 3-4, 9-10, and 15-16 are patentably distinguishable from the combination of George, Tsujita and Acharya for at least the arguments given above.

Appl. No. 10/689,409
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Conclusion

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited. While it is believed that no extension of time or any other additional fees are necessary, the Commissioner is hereby authorized to grant any needed extension of time and to charge any additional fees which may be required for this Response, or credit any overpayment to Deposit Account No. 18-1722. If the Examiner feels that prosecution of present application would be assisted by a telephone interview, applicant encourages to contact the applicant at the contact information listed below.

Respectfully submitted,

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